


Rule 1013-1. Hearing and Disposition In Involuntary Cases.

(A) Contested Petition. If the debtor files a timely answer contesting the petition, the petitioning creditors shall file the Local Form “Certificate of Contested Matter” accompanied by the Local Form “Notice of Hearing”. The court will then set the contested petition for trial or, at its discretion, for pretrial conference and trial.

(B) Motion to Convert Chapter 7 Case. A motion to convert by the debtor in an involuntary chapter 7 proceeding shall be deemed a consent to entry of an order for relief under the chapter to which the case is being converted.

(C) Form of Order for Relief. An order for relief entered in an involuntary case shall conform to the Local Form “Order for Relief in Involuntary Case and Order Setting Deadline for Filing Schedules, Statements and Other Papers”. The order shall include a 15 day deadline (as established by Bankruptcy Rule 1007(f)) for submitting a Local Form “Statement of Social Security Number” (for individual debtors) and an original and one copy of the corporate ownership statement (for non individual debtors).

 2004 Amendment: Amended to incorporate provisions referencing new requirements for submission of, as applicable, Local Form “Statement of Social Security Number” or corporate ownership statement within 15 days after entry of the order for relief.

(D) Debtor’s Failure to File Lists, Schedules, Statements, and Matrix. Upon notice to the court that the debtor has failed to comply with (1) the requirements of Bankruptcy Rule 1007 and Local Rules 1007-1 and 1007-2, and (2) the order for relief, the court shall issue an order to show cause against the debtor or other person designated by the court. The court shall not set any required deadlines and the § 341 notice shall not issue until a complete service matrix is filed in the format required by the “Clerk’s Instructions to Debtor for Submission of Initial Creditor Service Matrix and Requirements for Submitting Subsequent Amendments”.

[Comment: See also 11 U.S.C. §§ 706(a), 1112(a), 1208(a), and 1307(a), Bankruptcy Rule 1019 and Local Rules 1019-1 (converted cases), 1017-2(B) (dismissal of involuntary case for failure to appear at meeting of creditors), and 1074-1 (corporations).]